

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

55859-019

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)

09/889,883

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US00/32316

November 24, 2000

November 24, 1999

TITLE OF INVENTION

IMPROVED INOCULANT STRAINS OF BRADYRHIZOBIUM JAPONICUM

APPLICANT(S) FOR DO/EO/US

ARVIND A. BHAGWAT, AND DONALD L. KEISTER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information.
 - **Submission of Paper and Computer Readable Copies of the Sequence Listing.** The undersigned hereby states that the contents of the Computer Readable Copy of the Sequence Listing and the paper copy of the Sequence Listing are the same and correspond to the sequences contained in the above-captioned application. No new matter is added.

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) 09/889,883		INTERNATIONAL APPLICATION NO. PCT/US00/32316		ATTORNEY'S DOCKET NUMBER 55859-019	
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				CALCULATIONS	PTO USE ONLY
17. <input type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO \$890.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$710.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$740.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,040.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	-20 =		x \$18.00	\$	
Independent Claims	-3 =		x \$84.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$280.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be: refunded	\$
				charged	\$

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 500417 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ Please grant any **EXTENSION OF TIME** deemed necessary. The Commissioner is hereby authorized to charge any additional fees (including Extension of Time Fees) that may be required, or credit any overpayment of fees to Deposit Account No. 500417. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO:

WILLEM F. GADIANO
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SIGNATURE

WILLEM F. GADIANO

NAME

37,136

REGISTRATION NUMBER

July 26, 2002

DATE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Arvind BHAGWAT, et al.

Serial No.: 09/889,883

Group Art Unit:

Filed: July 24, 2001

Examiner:

For: IMPROVED INOCULANT STRAINS OF BRADYRHIZOBIUM JAPONICUM

RESPONSE TO WITHDRAWAL OF PREVIOUSLY SENT NOTICEAssistant Commissioner for Patents
Washington, DC 20231

Sir:

This paper is being filed in response to the (1) Withdrawal of Previously Sent Notice, and (2) Notification of Missing Requirements, both dated January 30, 2002 (copies enclosed). In the Notification of Missing Requirements, the Patent Office indicates that a required copy of the "Sequence Listing" in computer readable form has not been submitted. As a result, the Withdrawal of Previously Sent Notice indicates that the previously sent Acceptance Notice mailed on December 6, 2001, has been withdrawn.

In response to the Notification of Missing Requirements, Applicants submit herewith a second Form PTO 1390 along with paper and computer readable copies of the Sequence Listing. Please grant a four (4) month extension of time for entry and charge the extension of time fee (**small entity**) of \$720 to Deposit Account No. 500417. Please charge any additional fees or credit any overpayment of fees to such Deposit Account.

Respectfully submitted,

Willem F. Gadiano
Registration No. 37,136MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000
Date: July 29, 2002

09/889,883

371 filing date-November 26, 2001

APPLICATION DOES NOT COMPLY WITH THE SEQUENCE RULES. SEE REASONS BELOW.

This application clearly fails to comply with requirements of 37 C.F.R. 1.821-1.825 because the nucleotide sequences disclosed in the instant specification (shown in Figure 4) are not listed in a "Sequence Listing". Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final ruling making notice published in the *Federal Register* at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper copy or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in the computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 C.F.R. 1.821(e), 1.821(f), 1.821(g), 1.825(b), 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark Office, such request in accordance with 37 C.F.R. 1.821(e) may be submitted in lieu of a new CRF.

Additionally, sequences appearing in the specification and/or drawings must be identified by sequence identifier in accordance with 37 C.F.R. 1.821(d).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Non-PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889,883	Arvind A. Bhagwat	55859-019

INTERNATIONAL APPLICATION NO.

PCT/US00/32316

IA. FILING DATE	PRIORITY DATE
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11/24/2000

Willem F Gadiano
McDermott will & Emery
600 13th Street NW
Washington, DC 20005

RECEIVED

FEB 5 2002

McDermott, Will & Emery

CONFIRMATION NO. 3120

371 WITHDRAWAL NOTICE



OC00000007382255

Date Mailed: 01/30/2002

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Acceptance Notice mailed on 12/06/2001 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the enclosed Notice. We apologize for any inconvenience this caused.

 LAMONT M HUNTER

 Telephone: (703) 305-3686

PART 1 - ATTORNEY/APPLICANT COPY